IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of	)	
	)	
Balmer et al.	)	Examiner: Fischer, Justin R.
	)	
Serial No.: 09/977,170	)	Art Unit: 1733
	)	
Filed: October 12, 2001	)	Confirmation No.: 2857
	)	
For: JASPE PATTERN FLOORING AND WELDING ROD	)	Docket No.: A148 1550
	)	

Mail Stop Non-Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION UNDER 37 C.F.R. § 1.132
OF RICHARD H. BALMER

1. I, Richard H. Balmer, am a citizen of the United States of America, and my residence and post office address is 49 N. Fulton Street, Manheim, Pennsylvania 17545.

2. I received my B.A. in Biology in 1976 from Millersville University, Millersville, PA 17551.

3. I received my B.A. in Chemistry in 1981 from Millersville University, Millersville, PA 17551.

4. I was employed by Armstrong World Industries, Inc., Lancaster, PA from 1977 to 1984 as a Technician and Chemist in the Lancaster Floor Plant; from 1984 to 1986 as a Plant Chemist in the Thomasville, Appomattox, VA, wood furniture plant; and from 1986 to the present as a Research Chemist, Research Scientist and Sr. Research Scientist in Floor Products Research at Lancaster, PA, on projects involving process improvement, new product development and cost reduction of commercial sheet and commercial tile products.

5. I am an applicant in the above-identified patent application and a co-inventor of the subject matter claimed in this application.

6. I have first-hand experience with the manufacture of flooring. I am also familiar with the Ko et al. U.S. Patent No. 4,944,998 reference enclosed herewith.

7. The invention claimed in this application relates, at least, to a sheet, a welding rod and a seamed surface covering, and the method of making the sheet and the welding rod, wherein the sheet and welding rod comprise a consolidated blend of jaspe agglomerated particles. The jaspe agglomerated particles comprise at least two particles having different visual appearance.

8. Since the blend of jaspe agglomerated particles are not consolidated prior to being mixed, the interface between the jaspe agglomerated particles in the consolidated layer is inherently labyrinthine. This is because the visually different particles forming the agglomerated particles melt and flow into the interstices between the agglomerated particles.

9. The consolidated agglomeration of individual chips disclosed in Ko et el. U.S. Patent No. 4,944,998 are typical of the prior art. The individual jaspe chips are made by mixing one colored dough-like mass with pre-heated, second differently colored, consolidated chips in a mill roll, and then sheeting, cooling and cutting the cooled sheet into individual chips, some of which are striated with the two colors. The individual chips, whether jaspe or mono-colored, are then consolidated with heat and pressure. See column 4, lines 37 to 52. During consolidation of the individual chips, the surfaces of the previously consolidated and cut chips soften and fuse, resulting in sharp interfacial boundaries that substantially follow the contours of the chip surfaces. The interfaces between the different colors and between the fused chips are not labyrinthine.

10. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,

October 3, 2003
Date

Richard H. Balmer
Richard H. Balmer